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01/01/00

CHAPTER 9

ABSCONDING

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.01 AUTHORITY

Wisconsin Administrative Code DOC 328.14

.02 GENERAL STATEMENT

Offenders are required to inform agents of their whereabouts and activities, must report changes in employment or residence, and not leave the State of Wisconsin without agent approval and a travel permit.

It is the philosophy of the Department of Corrections not to allow offenders to remain anonymous in the community. Agents need to take proactive measures to locate offenders who have failed to report.

.03 ATTEMPTS TO LOCATE

When an offender fails to keep a scheduled appointment, the agent should contact the offender by phone or letter. If the attempt to make contact fails, it will be necessary to do a home visit and take appropriate action to determine if offender has absconded.

Primary sources to be checked are the offender's last known address, neighbors, employer, county lockups, hospitals, parents, siblings, relatives, collaterals, programs in which the offender has been involved, and any unique lead to the case. A certified letter, with return receipt requested (signed by addressee only), may be sent to offender's last known address. Specific reporting instructions should be contained in this letter.

Other sources for locating offenders include:

Internet
Social Security Office
CIB Check
Human Services
Child Support
Crime Stoppers
Temporary Employment Services
Post Office
Department of Transportation Records

.04 APPREHENSION REQUESTS

When an offender cannot be located, the agent will issue the Apprehension Request (DOC-58) through the DOC Warrants Section, and a copy may be provided to local law enforcement agencies. The agent will prepare a Violation Investigation Report (DOC-5) and make an entry in the Chronological Log (DOC-90). An entry may also be made in the Client Log of the OATS program. A Situation Alert (DOC-1959) should be issued for high profile offenders.

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.04 APPREHENSION REQUESTS (continued)

Enhanced Supervision or Intensive Classification Offenders
When INT Sex Offenders, Intensive, and other Enhanced Supervision classification cases have failed to keep a scheduled appointment and cannot be located, the agent will issue an Apprehension Request (DOC-58) within five working days unless staffed with the Unit Supervisor. For other offenders, if the agent is unable to make face-to-face contact with the offender, an apprehension request shall be issued no later than 30 days from the missed appointment.

Regardless of the level of supervision, the agent shall attempt to locate the offender. Attempts include, but are not limited to:

- Contact with a treatment provider
- Contact with a relative
- Contact with an employer
- Home visit
- Phone call to the offender

All attempts to contact the offender are to be recorded in the chronological history (DOC-90).

If an offender has not been apprehended within 30 days after the DOC-58 has been issued, the agent will submit a Recommendation for Administrative Action (DOC-44) stopping time. If a home visit was not conducted during attempts to locate the offender, it shall be made prior to issuing the stop time.

A Violation Warrant (DOC-95) is issued only in cases in which the offender is taken into custody in another state and a warrant is requested. In these cases, the DCC Registrar will prepare and forward the Violation Warrant to the Agent, Unit supervisor, CRU, and Regional Office.

The DOC Warrant Section has the responsibility for entering apprehensions and cancellations into the TIME System.

Emergency Entry of Apprehension Requests:

Certain situations may require the entry of an emergency apprehension request. Appropriate emergency entries may include the following:

- Offender is a suspect in a crime. The seriousness of the alleged behavior should be considered.
- Offender has a history of escape, absconding, or assaultive behavior and is believed to be involved in a violation of the law or the conditions of supervision.
- Offender is believed to have engaged in threatening or assaultive behavior.

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.04 APPREHENSION REQUESTS (continued)

Only Unit Supervisors, Assistant Regional Chiefs, or Regional Chiefs may enter emergency Apprehension Requests. Agents who need to reach an on-call Supervisor for this purpose should call 1-888-222-4DOC (4362).

The person making the emergency entry must provide the following information to the Warrants Section Staff:

- Offender Name
- Sex/Race
- DOB
- Corrections Number

The emergency entry must be followed by a call from the Supervisor, and a completed DOC-58 must be faxed the next working day.

When an absconder file is transferred between agents and accepted, it is the responsibility of the receiving agent and supervisor to amend the Apprehension Request, which includes identifying the new area of responsibility and the telephone number. Amended Apprehension Requests must be mailed to the DOC Warrant Section.

In unusual circumstances, agents may request that offender data be entered into the Law Enforcement Bulletin. A memo, which includes the mandatory identifiers on the Apprehension Request, along with other relevant information, must be forwarded to the Regional Chief. The memo shall be accompanied by a photograph of the offender.

.05 PROBATION WITHOUT CONVICTION CASES - 161.47

When a non-conviction offender absconds, the agent shall issue an Apprehension Request, checking "no" in the extradite section. If the offender is not located within ninety days, the agent should ask the Court for an order either vacating the original commitment or relieving the state of further responsibility. The Court should issue a warrant for the offender's arrest and assume responsibility for return of the offender. A copy of the court's warrant is forwarded to CRU. The agent must then issue an Apprehension Cancellation. (See Chapter 06.25.04 for further information on Probation without Conviction).

.06 CONDITIONAL RELEASE CASES - 971.17

When a conditional release offender violates the court-ordered conditions of release, or the standard conditional release rules, and their whereabouts and activities are unknown, the agent may issue an Apprehension Request. The agent should check "No" in the extradition section of the Apprehension Request.

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.06 CONDITIONAL RELEASE CASES - 971.17 (continued)

As soon as possible, the agent shall prepare the Petition for Capias (DCTF-5206) and the Order Granting Capias (DCTF-5207) and submit them to the committing court for the judge's signature. After the agent verifies through the Sheriff's Department Warrant Division that the Capias is active in the system, the agent shall issue an Apprehension Cancellation.

.07 SEX CRIMES LAW - 975

When a sex crimes law off offender violates the court-ordered conditions of supervision, or the standard rules, and their whereabouts and activities are unknown, the agent may issue an Apprehension Request. The agent should check "No" in the extradition section of the Apprehension Request.

As soon as possible, the agent shall prepare the Petition for Capias (DCTF-5206) and the Order Granting Capias (DCTF-5207) and submit them to the committing court for the Sheriff's Department Warrant Division that the Capias is active in the system, the agent shall issue an Apprehension Cancellation.

If the absconder is apprehended within Wisconsin, the supervising agent will facilitate the return to the Mendota Mental Health Institute. If the absconder is apprehended outside of Wisconsin, the agent should contact the DCC Registrar and work in conjunction with the DHFS contact to facilitate the return of the offender.

.08 SEX CRIMES LAW - 980

When an offender committed under Chapter 980 violates the court-ordered conditions of release, or the standard release rules, and their whereabouts and activities are unknown, the agent may issue an Apprehension Request. The agent should check "No" in the extradition section of the Apprehension Request.

As soon as possible, the agent shall prepare the Petition for Capias (DCTF-5206) and the Order Granting Capias (DCTF-5207) and submit them to the committing court for the judge's signature. After the agent verifies through the Sheriff's Department Warrant Division that the Capias is active in the system, the agent shall issue an Apprehension Cancellation.

If the absconder is apprehended within Wisconsin, the supervising agent will facilitate the return to the designated facility. If the absconder is apprehended outside of Wisconsin, the agent should contact the DCC Registrar and work in conjunction with the DHFS contact to facilitate the return of the offender. Chapter 980 cases will be returned to the county jail of the county where the 980 commitment was issued.

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.09 NOTICE TO VICTIMS

If an absconder poses a risk to a former victim or other specific individual, the agent should inform that individual of the offender's absence from supervision. The victim should again be notified if the offender is subsequently located.

.10 FOLLOW-UP CHECKS

When an offender is in absconder status, the agent will request a new CIB/NCIC check at least once per year. Appropriate entries are to be made in the Chronological Log (DOC-90). Entries may also be made in the Client Log in the OATS program. The agent may re-contact the primary sources noted under 09.01.03. Any new information received should be provided to local law enforcement agencies.

.11 MODIFYING APPREHENSION REQUESTS

When it is necessary to correct or change any information on cases in the CIB system, the changes will be made on the original Apprehension Request or a legible copy of the original. Changes include the transfer of the case to the new area number.

- Agent shall review offender file and ensure all available identifiers are listed on the Apprehension Request.
- Changes will be highlighted.
- Check the AMENDED box at the top of the form in red ink.
- Ensure that the agent area number and phone number are correct.
- Mail amended DOC-58s to the DOC Warrant Section. Do not send them via FAX. The DOC Warrant Section will return faxed amendments unprocessed to the Unit Supervisor.
- The amended DOC-58 will be processed and returned to the unit with the confirming CIB printout attached. Upon receipt, the information on the CIB printout will be checked against the source documents in offender's file by the Unit Supervisor.

.12 NOTICE OF APPREHENSION REQUEST CANCELLATION

DOC Warrants Section will cancel active apprehension requests in the CIB or NCIC systems under the following conditions:

- Receipt of an emergency cancellation by phone from a supervisor;
- Upon notification from NCIC of a "hit" on the offender;
- When three working days have lapsed since:
 - Notification by the Warrants Section to the unit that an Apprehension Cancellation has not been received, or
 - An emergency Apprehension Request has been phoned in to the Warrants Section and the DOC-58 has not arrived.

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.12 NOTICE OF APPREHENSION REQUEST CANCELLATION (continued)

The supervisor will be notified from the Warrants Section via the Notice of Apprehension Request Cancellation. The NCIC/CIB cancellation receipt is attached to the DOC-1145, along with any supporting documentation. The DOC-1145 is to be treated as an Apprehension Cancellation and will be routed to the unit supervisor through the regional office. Unit supervisors are to ensure that the DOC-1145 is routed to the ledgerkeeper.

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.01 AUTHORITY

Wisconsin Administrative Code DOC 328.14

.02 APPREHENDED ABSCONDERS-PROBATION

When an offender is located and taken into custody within the State of Wisconsin, the agent or supervisor will contact the local DCC office for assistance in completing the violation investigation. Any outstanding Apprehension Request must be canceled by an Apprehension Cancellation.

If a stop time was issued, and revocation is not pursued, see Section 09.03.04.

If the offender is in custody out of state, the apprehending authority will contact the agent or the Warrants Section. The agent or Warrants Section obtains information regarding the offender's status, requests that the offender be held for Wisconsin, and advises that a warrant will follow if required by the detaining authority. The agent will advise the supervisor of the circumstances. Unit supervisors and/or Regional Chiefs will decide when an absconder should be returned to Wisconsin. Alternatives may be pursued, and consideration should be given to the appropriateness of return.

An Apprehension Cancellation must be prepared as soon as it is verified the offender is in custody but no later than the next working day.

Once returned, revocation should be pursued, unless the supervisor approves an alternate plan. If not revoked, the offender should reimburse the Division for transportation costs. In general, apprehended probation absconders are returned to the jail of the sentencing county.

.03 APPREHENDED ABSCONDERS-PAROLE

The process outlined for probation absconders in 09.02.02 is the same for parolees. However, in general, parolees are returned to Dodge Correctional Institution (DCI) where a DCC agent liaison is available to assist with the violation investigation.

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.04 TRANSPORTATION

Prior to arranging transportation, the DCC Registrar must ascertain that the offender has signed a waiver of extradition. If the offender has waived extradition, and the decision has been made to return the absconder from out of state, the DCC Registrar will coordinate the return and make necessary arrangements with the out-of-state transportation vendor. The DCC Registrar will complete and route a memo stating the cost of transportation, the destination, and expected date of arrival to the agent, supervisor, DCC Business Office, and the Wisconsin detention facility.

If the offender refuses to waive extradition, the DCC Registrar will secure a Governor's Warrant. The DCC Registrar may contact the agent to obtain information pertaining to the offender. In order to facilitate the issuance of a Governor's Warrant, the DCC registrar will obtain copies of the Judgment of Conviction on all active sentences, compose a current summary of case activities, certify copies of the Violation Warrant, and forward the documents to the Wisconsin Attorney General's Office.

.05 ON-SITE PRELIMINARY HEARING

When it appears a located absconder has violated other rules of supervision, it may be necessary to hold an on-site preliminary hearing prior to the offender's return. The agent or supervisor may request an on-site hearing in the area the alleged violation occurred.

.06 DISCHARGE OF ABSCONDERS

When it appears efforts to locate an absconder are futile, the agent and supervisor may recommend discharge from supervision. Outstanding court obligations should be resolved by the committing court before discharge is recommended. (Refer to Chapter 04.12.02).

To discharge an absconder, it is necessary to issue a Recommendation for Administrative Action (DOC-44). Check "Start Time" and "No Time Tolloed." Add justification under "Recommendation Submitted for the Following Reasons." It is necessary to cancel the Apprehension Request when the discharge is granted.

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.01 AUTHORITY

Wisconsin Statute §304.072

.02 GENERAL STATEMENT

This section does not apply to Interstate Compact cases.

Time may be stopped if any of the following legal requirements occurred prior to the expiration of the term of supervision:

- Agent initiated an investigation;
- Agent issued a violation report or;
- Agent issued an Apprehension Request prior to the expiration of the offender's term of supervision.

Time may be stopped when the offender has absconded. The case must be discussed with, and approved by, the supervisor when an agent believes supervision should be reinstated after time has been stopped.

When an offender is returned to supervision, it is necessary to determine whether credit will be given for time in violation status.

.03 DEFINITIONS

Tolled Time is the period between the date of an offender's violation and the date of custody, or the date the offender's whereabouts/activities became known. Tolled time is not credited toward the period of supervision. Credit is given for time in custody on a Department hold after apprehension.

Reinstatement means return to field supervision after time has been stopped.

Reinstatement with time tolled cannot take place without one of the following conditions:

- an offender's personal written admission of violation of the rules or conditions of supervision, Request for Reinstatement (DOC-247) or;
- a finding by an Administrative Law Judge that the offender committed a violation of the rules but which is insufficient to warrant revocation.

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.04 PROCEDURE

In all cases where time has been stopped, a new DOC-44 is necessary to start time. The issuance of a DOC-44 will cancel any outstanding Violation Warrant.

- To Start Time and not Toll Time, the agent shall prepare a DOC-44. Check Start Time. Check No Time Tolled. State justification under "Recommendation Submitted for the Following Reasons."
- To Start Time and Toll Time, the agent shall prepare a DOC-44. Check both boxes for Start Time and Time Tolled from. State justification under "Recommendation Submitted for the Following Reasons." Prepare Request for Reinstatement. (If the offender refuses to sign the DOC-247, the agent must recommend revocation). The agent shall then submit the DOC-44 and DOC-247 to supervisor for approval. If approved, supervisor forwards all to Regional Chief.
- In non-conviction cases, the case is returned to court for disposition following supervisory consultation and approval. The court decides whether to revoke or continue supervision. Tolled time and reinstatement decisions will be made by the court.

.05 CUSTODY PENDING DECISION

If detained, the offender may be released from custody when the agent, supervisor, and Regional Chief agree that reinstatement is appropriate. If time is to be tolled, the DOC-247 must be signed by the offender before release. If not detained, the offender must sign the DOC-247 prior to leaving the agent's office.